

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
Plaintiff

v.

LUIS TORO  
Defendant

CRIMINAL NO. 06-104(ADC)

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

**REPORT AND RECOMMENDATION**

On this date defendant appeared before the undersigned to plea guilty to Count I of the indictment charging him with violating of 21 U.S.C. § 841(a)(1). The parties duly executed a consent form permitting the undersigned to take defendant's plea, pursuant to a plea agreement.

Upon examining defendant throughout the proceeding, the undersigned finds him competent to enter a plea. Defendant was advised at the hearing of the minimum and maximum statutory penalties he faces, and that the Sentencing Guidelines are advisory in nature. He was further advised that the sentencing judge has the authority to sentence him within those parameters, at the Court's discretion. More so, once he is sentenced, defendant may not withdraw his plea simply because he is not satisfied with the sentence imposed upon him. The undersigned also advised defendant of the constitutional rights he waives by entering a guilty plea.

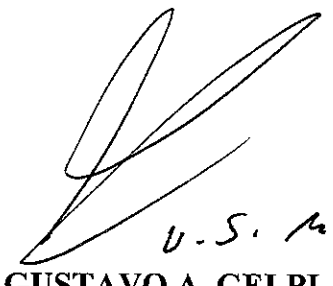
Upon inquiry by the Court, defendant accepted all the elements of the offenses outlined in Count I of the indictment (including the stipulated drug amount), as well as the fact that he acted knowingly, willfully and intentionally at all times relevant to the charged offense.

It is thus recommended by the undersigned that defendant's guilty plea be accepted, and sentence be imposed upon him accordingly.

This report and recommendation is issued pursuant to 28 U.S.C. § 636 and Local Rule 72(d).

**SO RECOMMENDED.**

In San Juan, Puerto Rico, this 24<sup>th</sup> of May, 2006

  
GUSTAVO A. GELPI  
United States Magistrate-Judge